

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHARLES DAVIS, BART PANESSA, and
JEFFREY NIEMEIER, Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTAKIDIS,
LIAM GALLAGHER, TIM HENDERSON,
IVAN GLASENBERG, AND GLENCORE PLC,

Defendants.

Case No. 17-CV-12188

**ORDER GRANTING
DEFENDANTS'
MOTION TO DISMISS
PLAINTIFFS'
AMENDED
COMPLAINT**

THIS MATTER having come before the Court upon the motion of Defendants Katanga Mining Ltd., Johnny Blizzard, Matthew Colwill, Jacques Lubbe, Liam Gallagher, and Tim Henderson, by and through their counsel, for an Order dismissing Plaintiffs' Corrected First Amended Class Action Complaint for Violation of the Federal Securities Laws in the above-captioned action pursuant to Rules 9(b), 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 *et seq.*, for lack of subject matter jurisdiction, for lack of personal jurisdiction, and failure to state a claim. The Court having reviewed all written

submission and argument of counsel in support of and in opposition of the motion to dismiss; and for good cause shown:

IT IS on this ____ day of _____, 20__, ORDERED that the motion to dismiss is GRANTED, and Plaintiffs' Corrected First Amended Class Action Complaint (Dkt. 71) is hereby DISMISSED as against Defendants Katanga Mining Ltd., Johnny Blizzard, Matthew Colwill, Jacques Lubbe, Liam Gallagher, and Tim Henderson with prejudice and without leave to amend.

The Honorable Claire C. Cecchi
United States District Judge